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TREATIES AND OTHER INTERNATIONAL ACTS SERIES 9217

CERTIFICATES OF AIRWORTHINESS FOR IMPORTED AIRCRAFT

Agreement Between the
UNITED STATES OF AMERICA
and SPAIN

Amending the Arrangement
of September 23, 1957

Effected by Exchange of Notes
Dated at Washington September 18
and October 13, 1978

NOTE BY THE DEPARTMENT OF STATE

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SPAIN

Certificates of Airworthiness for Imported Aircraft

Agreement amending the arrangement of September 23, 1957.
Effected by exchange of notes
Dated at Washington September 18 and October 13, 1978;
Entered into force October 13, 1978.

The Spanish Embassy to the Department of State

Embajada de España

No. 255

La Embajada de España saluda atentamente al Departamento de Estado y tiene la honra de referirse a la enmienda actualmente en discusión del Acuerdo entre los dos Gobiernos de España y Estados Unidos de América, referente a la aceptación recíproca de los Certificados de Aeronavegabilidad de aviones importados y sus partes, efectuado el 23 de Septiembre de 1957 en Madrid.

En conversaciones efectuadas el pasado mes de Mayo, el Departamento de Estado propuso un nuevo texto a determinados Artículos de ese Acuerdo. Ese texto ha sido aceptado por el Gobierno español. Por lo tanto, se propone en esta Nota Verbal que el texto del Acuerdo de 23 de Septiembre de 1957 sea modificado del modo siguiente, aceptado por ambos Gobiernos:

El texto del Artículo 1 será suprimido y reemplazado por el siguiente texto:

ARTICULO 1

a) El presente Acuerdo se aplica a los aviones civiles y a los dispositivos construídos en los Estados Unidos de América, sus territorios y posesiones y exportados a España; y a los aviones civiles y dispositivos construídos en España y exportados a los Estados Unidos de América, y a sus territorios y posesiones. Los dispositivos cubiertos por este Acuerdo son aquellos cuya inclusión se decida individualmente por consentimiento mutuo de las Autoridades competentes de Estados Unidos y España.

b) Este Acuerdo se extenderá a los aviones civiles de todas las categorías, incluyendo los usados para transporte público y los usados para fines privados así como los recambios de dichos aviones.

c) De ahora en adelante el término "dispositivo" se entenderá que incluye cualquier instrumento, equipo, mecanismo, aparato o accesorio utilizado o que se tenga la intención de utilizar en el funcionamiento de una aeronave en vuelo, que esté instalado o se tenga la intención de instalar en una aeronave, esté unido o se tenga la intención de que es

té unido a una aeronave, según se define en el párrafo b) de este Artículo, pero que no constituye una parte de la estructura completa, motor o hélice, e incluirá las partes del mismo que lo sustituyan o modifiquen.

Los vigentes Artículos 2 y 3 se renumerarán como Artículos 2 a) y 2 b) respectivamente, y se añadirá un Artículo 3 con el siguiente texto:

ARTICULO 3

En el caso de dispositivos, si las Autoridades aeronáuticas competentes del Estado exportador certifican que el proyecto del dispositivo cumple los requisitos de aeronavegabilidad del Estado exportador así como cualquier condición especial que a la sazón se exija por el Estado importador para la aprobación de dispositivos y asimismo certificasen que el dispositivo en cuestión está conforme con dicho proyecto, el Estado importador concederá a la certificación la misma validez que tendría si la certificación se hubiese extendido por sus propias Autoridades aeronáuticas competentes.

La Embajada de España adjunta la Plenipotencia expedida por el Ministro de Asuntos Exteriores español a favor del Embajador de España ante los Estados Unidos de América, S.E. Dn. José Lladó, autorizandole a proceder al cambio de Notas correspondiente.

Una Nota Verbal del Departamento de Estado a esta Embajada, aceptando la propuesta de modificación contenida en esta Nota, se estimará suficiente para que el Acuerdo quede modificado en el sentido indicado.

La Embajada de España aprovecha esta ocasión para reiterar al Departamento de Estado las seguridades de su más alta consideración.

Washington, D.C., 18 de Septiembre de 1978

DEPARTAMENTO DE ESTADO
Washington, D.C.

EMBAJADA DE ESPAÑA EN WASHINGTON
OFICINA COMERCIAL

TRANSLATION

No. 255

The Embassy of Spain presents its compliments to the Department of State and has the honor to refer to the amendment, currently under discussion, of the Arrangement between the Governments of Spain and the United States of America relating to the reciprocal acceptance of certificates of airworthiness for imported aircraft and their parts, concluded on September 23, 1957[1] at Madrid.

During discussions which took place in May 1978 the Department of State proposed a new text for certain articles of the Arrangement. That text has been accepted by the Spanish Government. Consequently, it is proposed in this note verbale that the text of the Arrangement of September 23, 1957, be amended in the following manner, accepted by both Governments:

The text of Article I shall be deleted and replaced with the following text:

Article I

(a) This arrangement applies to civil aircraft and appliances constructed in the United States, its territories, and possessions, and exported to Spain, and to civil aircraft and appliances constructed in Spain and exported to the United States, its territories, and possessions. Appliances covered in this arrangement are those which are individually determined to be included by mutual consent of the competent aeronautical authorities of the United States and Spain.

(b) This arrangement shall extend to civil aircraft of all categories, including those used for public transportation and those used for private purposes, as well as spare parts for such aircraft.

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[1] TIAS 3906; 8 UST 1549.

(c) As used herein, the term "appliance" shall include any instrument, equipment, mechanism, apparatus, or accessory used or intended to be used in operating an aircraft in flight, which is installed in, intended to be installed in, attached to or intended to be attached to an aircraft, as defined in paragraph (b) of this article, but is not part of the airframe, engine, or propeller, and shall include replacement and modification parts therefor.

Articles II and III, now in force, shall be renumbered as II(a) and II(b), respectively, and an Article III shall be added with the following text:

Article III

In the case of appliances, if the competent aeronautical authorities of the exporting State certify that the design of the appliance complies with the airworthiness requirements of the exporting State and with any special conditions which are required at the time by the importing State for the approval of appliances, and also certify that the particular appliance conforms to such design, the importing State shall give the same validity to the certification as if the certification had been made by its own competent aeronautical authorities.

The Embassy of Spain encloses the full powers issued by the Spanish Minister of Foreign Affairs to His Excellency José Lladó, Ambassador of Spain to the United States of America, authorizing him to proceed with the corresponding exchange of notes.

A note verbale from the Department of State to this Embassy accepting the amendments proposed in this note will be deemed sufficient for the Arrangement to be amended as indicated.

The Embassy of Spain avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Washington, D.C., September 18, 1978

[Initialed]

[SEAL]

Department of State,
Washington, D.C.

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The Secretary of State to the Spanish Ambassador

The Secretary of State presents his compliments to His Excellency the Ambassador of Spain and has the honor to acknowledge the receipt of his note No. 255 dated September 18, 1978, proposing amendment of the agreement between the Governments of the United States of America and Spain relating to the reciprocal acceptance of certificates of airworthiness for imported aircraft and their parts, which was effected by an exchange of notes at Madrid on September 23, 1957.

The United States Government accepts the proposed amendments and considers the Ambassador's note and the present reply as constituting an agreement between the Governments of the United States and Spain which enters into force on today's date.

JRA

DEPARTMENT OF STATE,
WASHINGTON, *October 13, 1978*

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